

Notice of Allowability

Application No.

09/505,361

Applicant(s)

PACKES ET AL.

Examiner

Jeffrey D. Carlson

Art Unit

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 1/13/05.
2. ☒ The allowed claim(s) is/are 1-28, 34-43 and 47-54.
3. ☒ The drawings filed on 16 February 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____



EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Magdalena M. Fincham on 5/2/05.

The application has been amended as follows:

- Claim 47 [amendment filed 1/13/05 - page 10 line 3], --an indication-- has been inserted between "determine" and "that the predetermined document has been surrendered".
- Claim 48 [amendment filed 1/13/05 - page 10 line 18], --an indication-- has been inserted between "determine" and "that the predetermined document has been surrendered".
- Claim 49 [amendment filed 1/13/05 - page 11 line 10], --an indication-- has been inserted between "determine" and "that the predetermined document has been surrendered".
- Claim 50 [amendment filed 1/13/05 - page 12 line 1], --an indication-- has been inserted between "determine" and "that the predetermined document has been surrendered".

Art Unit: 3622

- Claim 51 [amendment filed 1/13/05 - page 12 line 21], --an indication-- has been inserted between “determine” and “that the predetermined document has been surrendered”.
- Claim 52 [amendment filed 1/13/05 - page 13 line 15], --an indication-- has been inserted between “determine” and “that the predetermined document has been surrendered”.

Reasons For Allowance

Claims 1-28, 34-43 and 47-54 are allowed.

The following is an examiner's statement of reasons for allowance:

The closest pieces of prior art are Buffalo News, Mori, Nets season ticket holder rebate and Moore (Quaker State reacts quickly to Sears bottle, Oil Daily 4/1/1987). Buffalo News teaches that several mail-in rebates including retail and manufacturer rebates may apply to a single product; the user may redeem as many or as few as he chooses, yet there is no teaching for offering a POS rebate in exchange for a surrendered manufacturer rebate. Mori teaches redemption and instant processing of qualifying rebates at the retailer terminal, yet there is no teaching for offering a POS rebate in exchange for a surrendered manufacturer rebate. Nets season ticket holder rebate teaches alternative rebates for a current discount or a future discount, but lacks teaching for surrendering at a retail terminal a mail-in document normally used to redeem a first rebate, so that a second rebate can be issued. Moore teaches honoring

a manufacturer rebate at the POS which is effectively taken as a 1st manufacturer rebate and a 2nd POS rebate, but provides no teaching or motivation for the pricing of the alternative rebates to differ which is present in all claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey D. Carlson whose telephone number is 571-272-6716. The examiner can normally be reached on Mon-Fri 8:30-6p, (off on alternate Fridays).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571)272-6724. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 09/505,361
Art Unit: 3622

Page 5



Jeffrey D. Carlson
Primary Examiner
Art Unit 3622

jdc